

FILED

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

OCT 19 2016

United States of America  
v.

MATTHEW J. DYKMAN  
CLERK

Case No. 16-mj-3856

ZACHARIAH NEZ  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/17/2016 in the county of San Juan in the  
State and District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, USC 1111	Murder
Title 18, USC 1153	Crimes Occurring in Indian Country

This criminal complaint is based on these facts:  
See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Kalon Fancher  
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/19/2016



Judge's signature

City and state: Farmington, NM

B. Paul Briones, US Magistrate Judge  
Printed name and title

KTN/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico )

County of San Juan )

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kalon Fancher being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since February 2012. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes occurring in Indian Country such as robbery, aggravated assaults, assaults on Federal Officers, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Kalon Fancher, Farmington Resident Agency of the FBI , Criminal Investigators (CI) of the Navajo Department of Criminal Investigations (NDCI), and/or communicated to me by other sworn law enforcement officers as well as witnesses. The following information does not contain all items known to me but rather is used to establish sufficient probable cause for the crime of murder that occurred in the special jurisdiction of Indian Country.

**RELEVANT STATUTES**

3. This investigation concerns an alleged violation of :

Title 18 U.S.C. Section 1111 Murder

Title 18 U.S.C. Section 1153 Crimes Occurring in Indian Country

**PROBABLE CAUSE**

4. On the morning of October 18, 2016 , CI Louis St. Germaine, NDCI Shiprock, notified the FBI of a deceased male who was found earlier that morning with apparent injuries to his face. The decedent was found near the Old School in Sanostee, NM, which is located within the exterior boundaries of the Navajo Nation Indian Reservation in the state of New Mexico. The decedent, who was subsequently identified and will hereinafter be referred to as JOHN DOE-1, who is an enrolled member of the Navajo Nation Indian Tribe. Law Enforcement located a rock lying next to JOHN DOE-1 which had pointed edges which had a red substance on a large portion of the rock's surface. Based on Affiant's training and experience, the red substance on the rock appeared to be blood.
5. Affiant spoke to a witness, herein after referred to as JOHN DOE-2, who stated he wasn't sure but thought that between 7:00 P.M. and 8:00 P.M. on October 17, 2016 he observed JOHN DOE-1 and an individual he knew as ZACHARIAH NEZ, hereinafter referred to as NEZ, walking away from JOHN DOE-2'S house towards the Old School in Sanostee, NM. JOHN DOE-2 stated that was the last time he had seen JOHN DOE-1 alive. JOHN DOE-2 stated that JOHN DOE-1 and NEZ had been at his house for several hours drinking together prior to JOHN DOE-1 and NEZ departing his house.



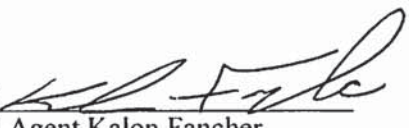
6. Affiant observed a text message from a witness, herein after referred to as JANE DOE-1, who was a cousin to NEZ, which stated NEZ admitted to a witness hereinafter referred to as JANE DOE-2, that he had killed JOHN DOE-1. The text was from NEZ and contained an admission that NEZ had killed JOHN DOE-1.
7. Affiant spoke to JANE DOE-2, who stated at approximately 8:00 P.M. on October 17, 2016 NEZ arrived at her house. JANE DOE-2 stated NEZ appeared to be "shaky" therefore she asked NEZ what was wrong? NEZ responded "I don't know, I hit him with a rock." NEZ told JANE DOE-2 that he was drinking "a gallon" with JOHN DOE-1 in Sanostee, NM. NEZ told JANE DOE-2 that he and JOHN DOE-1 were walking away from JOHN DOE-2'S house. NEZ told JANE DOE-2 "I might have hurt [JOHN DOE-1] bad, I hit him with a rock." JANE DOE-2 stated NEZ told her "I might have killed [JOHN DOE-1], I'm sorry, I'm sorry, he was my bro."
8. Affiant spoke to a witness hereinafter referred to as JANE DOE-3, who stated between 5:00 P.M. and 7:00 P.M. on October 17, 2016 NEZ arrived at a house she was at in Shiprock, NM. JANE DOE-3 stated she overheard a conversation NEZ was having with JANE DOE-2. JANE DOE-3 stated she heard NEZ saying "I killed him, I killed him." JANE DOE-3 said she overheard NEZ saying "I think I fucking killed him, fuck I think I killed him I don't know what I am going to do. Boom, Boom, Boom, That's what I did." JANE DOE-3 stated she didn't hear NEZ say the name of the person he had killed but said she heard NEZ say that he used a rock to kill him.

SUMMARY

9. In view of the above facts, the affiant submits there is probable cause to believe that ZACHARIAH NEZ, who is an enrolled member of the Navajo Nation Indian Tribe, and with a year of birth of 1998, did murder JOHN DOE-1 by striking JOHN DOE-1 with a rock in violation of title 18, United States Code, Section 1111, Murder, and that the above occurred within the boundaries of the Navajo Nation Indian Reservation, in violation of title 18, United States Code, Section 1153, Crime occurring in Indian Country.

10. On October 19, 2016 NEZ was arrested on the charges of title 18, United States Code, Section 1111 and title 18, United States Code, Section 1153 and booked into the San Juan County Detention Center based the above facts.

I swear that this information is true and correct to the best of my knowledge and belief.

Affiant   
Special Agent Kalon Fancher  
Federal Bureau of Investigation

Subscribed and sworn before me  
on this 19 day of October, 2016.

  
United States Magistrate Judge